

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 1:15-CR-2042-SAB-3

Plaintiff,

vs.

ORDER GRANTING
DEFENDANT'S MOTION TO
EXPEDITE AND DENYING
MOTION FOR RELEASE

JOSE GODINES,

Defendant.

Date of bail review hearing: 09/09/2015

BEFORE THE COURT is Defendant's Second Motion to Re-Open Detention Hearing and Release Defendant on Condition (ECF No. 82) and Motion to Expedite (ECF No. 83). The Government opposes the Motion due to the unsuitability of the proposed residence. On September 9, 2015, the Court reopened the bail hearing to consider the additional proffers of the Defendant and arguments of counsel. 18 U.S.C. § 3142(f).

The Court has considered this additional information, which includes a newly proposed residence of his aunt and uncle, and evaluated the four factors outlined in 18 U.S.C. § 3142(g) to decide whether there were conditions of release that would reasonably assure the Defendant's appearance in court and the safety of the community: (1) the nature and circumstances of the offense; (2) the weight of evidence against the Defendant; (3) the history and characteristics of the Defendant; and (4) the nature and seriousness of the danger the Defendant would

1 present to the community if released. The Court finds that these factors, as set forth
2 orally by the Court, weigh in favor of the Defendant's continued detention.

3 The Court finds a preponderance of the evidence remains that there are no
4 conditions or combination of conditions other than detention that will reasonably
5 assure the appearance of Defendant as required, and furthermore by clear and
6 convincing evidence there are no conditions or combination of conditions other
7 than detention that will ensure the safety of the community.

8 **ACCORDINGLY IT IS ORDERED:**

9 1. The Defendant's Motion to Expedite (**ECF No. 83**) is **GRANTED** and
10 Defendant's Motion for Release (**ECF No. 82**) is **DENIED**. Defendant shall
11 remain held in detention pending disposition of this case or until further order of
12 the court.

13 2. If the Defendant seeks review of this Order pursuant to 18 U.S.C. §
14 3145(b), attorney for Defendant shall file a written motion for revocation or
15 amendment of this Order within ten (10) days before the district judge to whom
16 this case is assigned and note it for hearing at the earliest possible date. Both
17 parties are responsible to ensure the motion is determined promptly.

18 **DATED** September 9, 2015.

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20 s/James P. Hutton
21 JAMES P. HUTTON
22 UNITED STATES MAGISTRATE JUDGE
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